

OFFICIAL LOCAL FORM 3

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

FIRST AMENDED  
CHAPTER 13 PLAN COVER SHEET

Filing Date: 5/03/16  
Debtor: Jean A. DeGutis  
SS#: xxx-xx-8734  
44 Warren Street  
Address: Plainville, MA 02762  
  
Debtor's Counsel: Honorio DaSilva-Kilgore 564202  
Honorio DaSilva-Kilgore, P.C.  
2 Richard Street, P.O. Box 277  
Address: Raynham, MA 02767  
Telephone #: 508-822-3200  
Facsimile #: 508-822-3289

Docket #: 16-11692  
Co-Debtor: \_\_\_\_\_  
SS#: \_\_\_\_\_  
Address: \_\_\_\_\_

ATTACHED TO THIS COVER SHEET IS THE CHAPTER 13 PLAN FILED BY THE DEBTOR(S) IN THIS CASE. THIS PLAN SETS OUT THE PROPOSED TREATMENT OF THE CLAIMS OF CREDITORS. THE CLAIMS ARE SET FORTH IN THE BANKRUPTCY SCHEDULES FILED BY DEBTOR(S) WITH THE BANKRUPTCY COURT.

YOU WILL RECEIVE A SEPARATE NOTICE FROM THE BANKRUPTCY COURT OF THE SCHEDULED CREDITORS' MEETING PURSUANT TO 11 U.S.C. § 341. THAT NOTICE WILL ALSO ESTABLISH THE BAR DATE FOR FILING PROOFS OF CLAIMS.

PURSUANT TO THE MASSACHUSETTS LOCAL BANKRUPTCY RULES, YOU HAVE UNTIL THIRTY (30) DAYS AFTER THE § 341 MEETING OR THIRTY (30) DAYS AFTER THE SERVICE OF AN AMENDED OR MODIFIED PLAN TO FILE AN OBJECTION TO CONFIRMATION OF THE CHAPTER 13 PLAN, WHICH OBJECTION MUST BE SERVED ON THE DEBTOR, DEBTOR'S COUNSEL AND THE CHAPTER 13 TRUSTEE.

**OFFICIAL LOCAL FORM 3**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
FIRST AMENDED  
PRE-CONFIRMATION CHAPTER 13 PLAN**

Docket No.: 16-11692 FJB

**DEBTOR(S):**

Jean A. DeGutis

SS#: XXX-XX-8734

**I. PLAN PAYMENT AND TERM:** Commencing October 1, 2016

Debtor(s) shall pay monthly to the trustee the sum of **\$3,427.00** for the term of:

G 36 Months. 11 U.S.C. ' 1325(b)(4)(A)(i);

**G 60 Months. 11 U.S.C. ' 1325(b)(4)(A)(ii);**

G 60 Months. 11 U.S.C. ' 1322(d)(2). Debtor avers the following cause:

or

G \_\_\_\_ Months. The debtor states as reasons therefore:

**II. SECURED CLAIMS:**

**A. Claims to be paid through the Plan (including arrears):**

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
Webster Bank, N.A.	1 <sup>st</sup> mortgage pre-petition arrears	\$119,620.86
Town of Plainville	real estate tax lien	\$ 41,432.18

Total of secured claims to be paid through the Plan: \$161,053.04

**B. Claims to be paid directly by debtor to creditors (Not through Plan):**

<u>Creditor</u>	<u>Description of Claim</u>
Harbor One Credit Union	Regular Monthly Auto. Loan Payments
Webster Bank, N.A.	Regular Post-Petition Mortgage Payments
Town of Plainville	Regular Post-Petition Quarterly Real Estate Taxes

**C. Modification of Secured Claims: Creditor Details of Modification Amt. of Claim to Be (Additional Details May Be Attached) Paid Through Plan**

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
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(to be paid the same dividend as the unsecured creditors as per section V of the Plan)

**D. Leases: None**

i. The debtor(s) intend(s) to reject the residential/personal property lease claims of

\_\_\_\_\_; or  
ii. The debtor(s) intend(s) to assume the residential/personal property lease claims of \_\_\_\_\_

iii. The arrears under the lease to be paid under the Plan are: \_\_\_\_\_

### III. PRIORITY CLAIMS:

#### A. Domestic Support Obligations:

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
IRS	2012 income taxes	\$2,586.62
MDOR	2012 income taxes	\$2,648.74

#### B. Other:

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
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Total of Priority Claims to Be Paid Through the Plan: \$5,235.36

### IV. ADMINISTRATIVE CLAIMS: None

A. Attorney's Fees (to be paid through the Plan): \$

#### B. Miscellaneous Fees:

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
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C. The chapter 13 trustee's fee is determined by Order of the United States Attorney General. The calculation of the Plan payment set forth utilizes a 10% trustee's commission.

### V. UNSECURED CLAIMS:

The general unsecured creditors shall receive a dividend of 28.25% of their claims.

A. General unsecured claims \$55,433.23

B. Undersecured claims arising after lien avoidance/cramdown:

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
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#### C. Non-Dischargeable Unsecured Claims:

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
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Total of Unsecured Claims (A + B + C): \$55,433.23

D. Multiply total by percentage: \$15,659.88  
 (Example: Total of \$38,500.00 x .22 dividend = \$8,470.00)

E. Separately classified unsecured claims (co-borrower, etc.):

<u>Creditor</u>	<u>Description of Claim</u>	<u>Amount of Claim</u>
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Total amount of separately classified claims payable at \_\_%:

## VI. OTHER PROVISIONS:

A. Liquidation of assets to be used to fund the Plan: The Debtor will take \$851.00 from her exempt Aetna life insurance proceeds listed on the Amended Schedule A/B to cover the difference from her original plan payment amount of \$2,576.00 and the new amended plan payment amount of \$3,427.00.

B. Modification of Secured Claims:

C. Miscellaneous Provisions:

## VII. CALCULATION OF PLAN PAYMENT:

A. Secured claims (Section I-A Total):	\$161,053.04
B. Priority claims (Section II-A & B Total):	\$ 5,235.36
C. Administrative claims (Section III-A&B Total):	\$ -0-
D. Regular unsecured claims (Section IV-D Total): +	\$ 15,659.88
E. Separately classified unsecured claims:	\$ -0-
F. Total of A + B + C + D + E above: =	\$181,948.28
G. Divide (F) by .90 for total including trustee's fee:	

Cost of Plan =	\$191,860.75
(\$202,164.75 less \$10,304.00 paid to date)	

(This represents the total amount to be paid into the Chapter 13 Plan)

H. Divide (G), Cost of Plan, by Term of Plan,	56 months remaining
I. Round up to nearest dollar for Monthly Plan Payment:	<u>\$3,427.00</u>

(Enter this amount on page 1)

Pursuant to 11 U.S.C. '1326(a)(1) unless the Court orders otherwise, debtor shall commence making the payments proposed by a plan within thirty (30) days after the petition is filed.

Pursuant to 11 U.S.C. '1326(a)(1)(C), the debtor shall make pre-confirmation adequate protection payments directly to the secured creditor.

## VIII. LIQUIDATION ANALYSIS

### A. Real Estate:

<u>Address</u>	<u>Fair Market Value</u>	<u>Total Amount of Recorded Liens (Schedule D)</u>
44 Warren Street, Plainville, MA	\$599,000.00	\$536,522.82
Total Net Equity for Real Property:	\$ 62,477.18	
Less Total Exemptions (Schedule C):	\$102,924.48	
Available Chapter 7:	\$ -0-	

### B. Automobile (Describe year, make, model):

<u>Year, Make, Model</u>	<u>Value</u>	<u>Lien</u>	<u>Exemption</u>
2008 GMC H3	\$9,800.00	\$ -0-	\$9,800.00
2004 Harley-Davidson Sportster	\$4,500.00	\$ -0-	\$4,500.00
Total Net Equity:	\$14,300.00		
Less Total Exemptions (Schedule C)	\$14,300.00		
Available Chapter 7:	-0-		

### C. All other Assets: (All remaining items on Schedule B): (Itemize as necessary):

Total Net Value:	\$83,060.00
Less Exemptions (Schedule C):	\$67,500.00
Available Chapter 7:	\$15,560.00

### D. Summary of Liquidation Analysis (total amount available under Chapter 7):

Net Equity (A and B) plus Other Assets (C) less all claimed exemptions: \$15,560.00

### E. Additional Comments regarding Liquidation Analysis:

## IX. SIGNATURES

Pursuant to the Chapter 13 Rules, the debtor or his or her attorney is required to serve a copy of the Plan upon the chapter 13 trustee, all creditors and interested parties, and to file a Certificate of Service accordingly.

/s/ Honoria DaSilva-Kilgore  
Honoria DaSilva-Kilgore, BBO # 564202

October 4, 2016  
Date

Attorney's Address: 2 Richard Street, P.O. Box 277, Raynham, MA 02767  
Telephone #: (508) 822-3200  
Email Address: [hdklaw@hdklawoffices.com](mailto:hdklaw@hdklawoffices.com)

**I/WE DECLARE UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS OF FACT ARE TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF.**

/s/Jean A. DeGutis

Jean A. DeGutis

October 4, 2016

Date

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS

In re:

Jean A. Degutis

Debtor

Chapter 13

Case No. 16-11692 FJB

**CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2016 I electronically filed the **First Amended Chapter 13 Plan** with the United States Bankruptcy Court for the District of Massachusetts using the CM/ECF system and it on the following CM/ECF participants:

John Fitzgerald  
USTOPRegion01.BO.ECF@USDOJ.GOV

Office of the U.S. Trustee

Carolyn Bankowski  
13trustee@ch13boston.com

Chapter 13 Trustee

Anthony R. Leone  
aleone@murthlaw.com

for Webster Bank, N.A.

Lisa M. Kresge  
lkresge@murthalaw.com

for Webster Bank, N.A.

Thomas S. Vangel  
tvangel@murthalaw.com

for Webster Bank, N.A.

I further certify that I have this day mailed, by first class mail, postage prepaid, the documents electronically filed with the Court to the non CM/ECF participants, interested parties and all creditors referenced below:

Jean A. DeGutis  
44 Warren St.  
Plainville, MA 02762

Debtor

Allied Account Services Inc.,  
422 Bedford Ave.  
Bellmore, NY 11710

American Express Bank FSB  
c/o Becket and Lee LLP  
P.O. Box 3001  
Malvern, PA 19355-0701

Bank of America, N.A.  
P.O. Box 31785  
Tampa, FL 33631-3785

Bank of America, N.A.  
P.O. Box 982284  
El Paso, TX 79998-2238

Benjamin Michael & Associates  
P.O. Box 41  
Coram, NY 11727

Discover Bank  
Discover Products Inc.  
P.O. Box 3025  
New Albany, OH 43054-3025

Donellon Orcutt Patch & Stallard, PC  
96 Broadway  
Taunton, MA 02780

FMA Alliance, Ltd.  
P.O. Box 2409  
Houston, TX, 77252

HarborOne Bank aka HarborOne Credit Union  
770 Oak Street  
Brockton, MA 02301

Internal Revenue Service  
P.O. Box 7346  
Philadelphia, PA 19101

Jefferson Capital Systems, LLC  
P.O. Box 7999  
Saint Cloud, MN 56302-9617

for Verizon Wireless

Law Office of Howard Lee Schiff, P.C.  
P.O. Box 280245  
East Hartford, CT 06128-0245

Massachusetts Department of Revenue  
Attn: Bankruptcy Unit  
P.O. Box 9564  
Boston, MA 02114

National Grid  
300 Erie Blvd. West  
Syracuse, NY 13202

Portfolio Recovery Associates, LLC  
P.O.B. 410067  
Norfolk, VA 23541

Santoro Oil Family of Companies  
P.O. Box 9063  
Providence, RI 02904

Southwest Credit Systems, LP  
4120 International Pkwy, Suite 1100  
Carrollton, TX 75007

Sunrise Credit Services  
P.O. Box 9100  
Farmingdale, NY 11735

Town of Plainville  
142 South Street  
Plainville, MA 02762

Equitation Unlimited Inc.  
44 Warren Street  
Plainville, MA 02762

Jean A. Degutis  
by her attorney,

/s/ Honoria DaSilva-Kilgore

Honoria DaSilva-Kilgore, BBO# 564202

The Law Offices of

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